

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

DOLORES TOROK)	
Claimant)	
VS.)	
)	Docket No. 227,756
FARMERS INSURANCE GROUP)	
Respondent)	
AND)	
)	
MID CENTURY INSURANCE COMPANY)	
Insurance Carrier)	

ORDER

Respondent and its insurance carrier requested review of the preliminary hearing Order dated November 13, 1997, entered by Administrative Law Judge Julie A. N. Sample.

ISSUES

The Administrative Law Judge awarded claimant temporary total disability benefits commencing September 16, 1997, and medical treatment with Arnold Katz, M.D., as the authorized health care provider. Respondent and its insurance carrier requested the Appeals Board to review two issues: (1) whether claimant was entitled to receive temporary total disability benefits; and (2) whether claimant was entitled to medical care with Dr. Katz as the authorized health care provider if authorized care had been provided by respondent and claimant had been rated and released by that previous authorized physician.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, for preliminary hearing purposes the Appeals Board finds as follows:

This is an appeal from a preliminary hearing. K.S.A. 1997 Supp. 44-551 limits the jurisdiction of the Appeals Board. The Appeals Board has jurisdiction to review decisions from a preliminary hearing in those cases where one of the parties has alleged the administrative law judge exceeded his or her jurisdiction. This includes specific jurisdictional issues identified in K.S.A. 1997 Supp. 44-534a. A contention that the Administrative Law Judge has erred in her finding that the evidence showed a continuing need for medical treatment and temporary total disability benefits is not an argument the Appeals Board has jurisdiction to consider. K.S.A. 1997 Supp. 44-534a grants authority to an administrative law judge to decide issues concerning the furnishing of medical treatment and the payment of temporary total disability compensation.

The respondent and its insurance carrier may preserve these issues for final award as provided by K.S.A. 1997 Supp. 44-534a(a)(2). That statute provides in pertinent part:

Except as provided in this section, no such preliminary findings or preliminary awards shall be appealable by any party to the proceedings, and the same shall not be binding in a full hearing on the claim, but shall be subject to a full presentation of the facts.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that it does not have jurisdiction to review at this juncture of the proceedings the preliminary hearing Order dated November 13, 1997, entered by Administrative Law Judge Julie A. N. Sample and that this review should be, and hereby is, dismissed.

IT IS SO ORDERED.

Dated this ____ day of February 1998.

BOARD MEMBER

c: Leah Brown Burkhead, Mission, KS
David M. Druten, Kansas City, KS
Julie A. N. Sample, Administrative Law Judge
Philip S. Harness, Director